

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CALVIN BUARI,

Plaintiff,

- against -

THE CITY OF NEW YORK; New York City Police
Department Detectives ANDREW DIETZ, FNU TRACY,
VINCENT PRICE, EUGENE GOTTWIN, JOSEPH
NEENAN, CHRISTINE FORTUNE; Bronx County District
Attorney's Office Investigators JOHN WALL, FNU
SCHIFFMAN, FRANK VIGGIANO; Bronx County District
Attorney's Office Assistant District Attorneys ALLEN
KAREN, FELICITY LUNG, PETER CODDINGTON, GINA
MIGNOLA; and "JOHN and/or JANE DOES" # 1-10 who
are currently unknown members of the New York City Police
Department; and "RICHARD and/or RACHEL ROES # 1-
10" who are currently unknown members of the Bronx
County District Attorney's Office, all of whom are being sued
in their individual capacities,

Defendants.
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18-CV-12299 (MKV)

**DECLARATION OF
MARC A. CANNAN
IN OPPOSITION TO
DEFENDANTS' MOTION
TO DISMISS**

Marc A. Cannan declares pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the
following is true and correct:

1. I am a partner at Beldock Levine & Hoffman LLP, who, along with co-counsel
Cuomo, LLC, represents Plaintiff Calvin Buari in this matter. As such, I am well-familiar with
the facts of this case. I submit this declaration in opposition to Defendants' Motion to Dismiss
the Amended Complaint.

2. Attached hereto as Exhibit 1 is a true and correct copy of the March 19, 2018
Dismissal on Recommendation that was filed by the Bronx County District Attorney's Office in

People v. Calvin Buari, Indictment No. 2111-1993, New York State Supreme Court, County of Bronx.

3. Attached hereto as Exhibit 2 is a true and correct copy of the Certificate of Disposition Dismissal issued to Plaintiff Calvin Buari by the New York Supreme Court, Bronx County Clerk, regarding the action *People v. Calvin Buari*, Indictment No. 2111-1993, New York State Supreme Court, County of Bronx.

Dated: New York, New York
February 10, 2020

Respectfully submitted,

BELDOCK LEVINE & HOFFMAN
LLP
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New York, New York 10016
(212) 490-0400

/s/ Marc A. Cannan
Marc A. Cannan